



UPTON BY CHESTER AND DISTRICT PARISH COUNCIL

Upton Pavilion
Wealstone Lane
Upton
Chester
CH1 4BY
07584415343

Email clerk@uptonbychester.org.uk

CCTV PROTOCOL

The purpose of the document is to:

- Ensure that Upton by Chester and District Parish Council complies with the Data Protection Act 1998.
- Reassure those whose images are being captured of our objectives and intentions for the use of those images.

Contents:

1. Principles of the Data Protection Act.
2. Objectives.
3. Using the Equipment.
4. Using the Data.
5. Responsibilities.

1. Principles of the Data Protection Act

The legal requirement for use of CCTV camera systems is to comply with the 1998 Data Protection Act. In order to do so we must conform to the following principles, which state that all personal data collected, must be:

- Fairly and lawfully processed;
- Processed for limited purposes and not in any way deemed incompatible with those specific purposes;
- Adequate, relevant and not excessive;

- Accurate;
- Not retained for longer than necessary;
- Processed in accordance with individuals' rights;
- Held securely;
- Not transferred to a territory outside of the European Economic Area unless adequate protection is guaranteed.

These principles will form the basis of this protocol, alongside the Information Commissioner's Office CCTV Code of Practice, published 2008

2. Objectives

The primary purposes for which we have elected to use camera systems are as follows:

Insurance:

As a public body Upton by Chester and District Parish Council has a duty to ensure the safety of all its staff, councillors and visitors.

How CCTV can meet this need:

By providing the ability to review footage captured at the time and location of any accidents or incidents, both inside the public areas of the Pavilion and externally, including the movement of vehicles in the car park.

Alternatives to CCTV:

There is no viable alternative to the use of CCTV in order to obtain the quality and accuracy of information that is achievable with continuous CCTV recording. An accident or an allegation can occur at any time during the working day, so any form of intermittent monitoring would be insufficient.

Provisos:

- If releasing footage to third parties such as insurance companies, appropriate guidelines should be followed.
- The time and date of the images must be sufficient to show the incident clearly and unambiguously.
- Cameras should be placed to ensure maximum area coverage, this should be regularly checked to ensure that data is usable.
- Footage must not be altered or tampered with in any way. For this reason all recordings must be password protected held securely by the Clerk to the Parish Council.

Health and Safety:

Despite adequate staff training and every effort being made to ensure that the premises are kept hazard free, staff, councillors and visitors may suffer an injury whilst on UPC premises.

How CCTV can meet this need:

By capturing footage of the movement of staff, councillors and visitors and contractors whilst on the premises. Footage will not be constantly monitored, as this would be disproportionate to the problem, however, there will be an intermittent review of anyone using the play equipment and other sporting facilities and of contractors carrying out potentially hazardous work to ensure that all safe use and working practices are adhered to.

In the event of an accident or injury there will be footage to provide an accurate recording of the incident.

Alternatives to CCTV:

There is no viable alternative to the use of CCTV, in order to obtain the quality and accuracy of information that is achievable with continuous CCTV recording. An accident or an allegation can occur at any time during the working day, so any form of intermittent monitoring would be insufficient.

Provisos:

- The use of footage must be limited to appropriate circumstances.
- To ensure that use of CCTV footage is not excessive, it should be viewed for review purposes only; it should not be used for any infringement of personal privacy or to view an incident that is not of concern.
- If whilst viewing footage for another purpose, the administrator sees something that they cannot be expected to ignore, further investigation is also acceptable.
- The quality of the footage must be sufficient so that staff cannot be wrongly identified or their actions misinterpreted.
- Footage must not be altered or tampered with in any way whatsoever.

Staff and Councillor Protection:

Pavilion staff and councillors may be subject to verbal abuse or challenging behaviour from members of the public and young people.

Staff may be accused of inappropriate behaviour or action in relation to a young or vulnerable person.

How CCTV can meet this need:

CCTV will ensure that all incidents involving abusive, threatening or challenging behaviour from members of the public or young people are recorded, thus allowing for us to take further steps when necessary.

In the event of an accusation made against staff or councillors, footage may be shown to clarify the chain of events and demonstrate that staff or councillors acted appropriately.

Signage indicating that CCTV recording is in place may help staff to enforce appropriate behaviour from members of the public and young people.

Alternatives to CCTV:

There is no viable alternative to the use of CCTV in order to obtain the quality and accuracy of information that is achievable with continuous CCTV recording. An accident or an allegation can occur at any time during the working day, so any form of intermittent monitoring would be insufficient.

Provisos:

- The use of footage must be limited to appropriate circumstances.
- To ensure that use of CCTV footage is not excessive, it should be viewed for review purposes only; it should not be used for any infringement of personal privacy or to view an incident that is not of concern.
- If whilst viewing footage for another purpose, the administrator sees something that they cannot be expected to ignore, further investigation is also acceptable.
- The quality of the footage must be sufficient so that staff cannot be wrongly identified or their actions misinterpreted.
- Footage must not be altered or tampered with in any way whatsoever.

3. Using the equipment.

Audio Recording:

Audio recording is discouraged by the ICO. It should not be used to record conversations between members of the public as this is deemed excessively intrusive and unlikely to be justified.

4. Using the data.

Compliance:

In order to ensure compliance with the Data Protection Act, we must meet sufficient standards in handling and processing the information captured by our CCTV system. To this aim it is important to establish who has responsibility for the control of the images and who is to be given permission to view or download them, as follows:

Data Controller – Upton by Chester and District Parish Council is responsible for:

- Selecting the equipment and ensuring that policies regarding its usage are followed.

Parish Council Clerk (also a Data Controller on behalf of UPC) is responsible for:

- Ensuring that equipment is correctly set up and policies are followed.
- Viewing and downloading images/footage and supplying to our insurance company, the police or to UPC Complaints Committee when necessary and appropriate.
- Securing the system with password protection to be retained by the clerk along with all other UPC confidential records.

Disclosure:

Disclosure of CCTV images must be controlled and consistent with the purpose for which the system was established. For this reason, footage should only be disclosed to third parties when at least one of the objectives above would be met by doing so.

The only exception is in the case of the prevention and detection of crime – it is always acceptable to disclose images to law enforcement agencies if failure to do so would be likely to prejudice the prevention and detection of crime.

Retention:

There is no legal minimum or maximum retention period, but we should not keep recorded materials for a period of time longer than our purposes require; should a law enforcement body become involved, we may retain footage for a longer period.

The equipment in use allows for 28 continuous days recording. After this time, recording will be overwritten automatically by new footage. This allows for footage to be retained long enough for incidents to come to light but no longer than required.

5. Responsibilities.

Informing the public:

Members of the public whose image may be recorded by our CCTV system have the right to be informed. The simplest way to achieve this is via signage. Signs should be clearly visible; contain details of why CCTV is being used and be of an appropriate size for the context.

Signs currently in use at Upton Pavilion and the QEII Playing Fields are as follows:

Attached to all four corners of the Pavilion building; stating 24 hour surveillance of the building and its surrounding area.

Subject access requests:

Individuals whose images are recorded have a right to view the images in question and if desired, to be provided with a copy of them.

Upton receipt of a subject access request, we must provide the data within 21 days and charge a maximum of £10.

The individual who makes the request must provide details which allow us to identify them as the subject and to locate the images on our system (this may include a photograph, a description of clothing worn and/or an accurate time, date and location).

Freedom of information:

As a public authority, we may from time to time receive requests under the Freedom of Information Act 2000. However, we are exempt from releasing private information such as CCTV footage under the FOIA if either of the conditions of the two-part exemption is met:-

The images are those of the requester. In this case the request should be treated as a subject access request.

The images are of other people and disclosing them would breach the data protection principles.